

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

EUGENE SYKES,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:11CV64 (RNC)
	:	
FRED WHITE, et al.,	:	
	:	
Defendants.	:	

RULING ON MOTION FOR APPOINTMENT OF COUNSEL

Pending before the court is the plaintiff's motion for appointment of pro bono counsel pursuant to 28 U.S.C. § 1915. (Doc. #12.)

A plaintiff in a civil case is not entitled to appointment of a free lawyer on request. See Cooper v. A. Sargenti Co., 877 F.2d 170 (2d Cir. 1989). Because volunteer-lawyer time is in short supply, a plaintiff seeking appointment of a free lawyer must demonstrate that his or her complaint passes the test of "likely merit." Id. at 173. This standard requires a plaintiff to show that the claims in the complaint have a sufficient basis to justify appointing a volunteer lawyer to pursue them. See also Cooper v. A. Sargenti Co., 877 F.2d 170, 173-74 (2d Cir. 1989) (discussing the importance of requiring an indigent to "pass the test of likely merit.")

No such showing has been made by the plaintiff here. Nor is it self-evident from a review of the complaint that appointment of free counsel is warranted.

Accordingly, the motion for appointment of counsel is denied without prejudice to renewal. In the event the plaintiff wishes to renew her request, any such motion must be supported by a memorandum showing that the claims in the complaint have a sufficient basis in fact and in law to pass the test of likely merit.

SO ORDERED at Hartford, Connecticut this 15th day of July, 2011.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge